

# SENATE RECORD VOTE ANALYSIS

104th Congress  
1st Session

Vote No. 541

October 27, 1995, 6:04 p.m.  
Page S-16022 Temp. Record

## BALANCED BUDGET RECONCILIATION/No Reform of Lab Standards

**SUBJECT:** Balanced Budget Reconciliation Act of 1995 . . . S. 1357. Mikulski motion to instruct conferees.

### ACTION: MOTION REJECTED, 49-50

**SYNOPSIS:** As reported, S. 1357, the Balanced Budget Reconciliation Act of 1995, will result in a balanced budget in seven years, as scored by the Congressional Budget Office (CBO). The bill will also provide a \$245 billion middle-class tax cut, \$141.4 billion of which will be to provide a \$500 per child tax credit.

**The Mikulski motion** would instruct conferees to insist on striking provisions in the House bill that will give physicians the flexibility to conduct certain clinical tests in their offices without being subject to the Federal regulations devised under the Clinical Laboratory Improvement Act (CLIA).

**Those favoring** the motion contended:

Before 1988, when CLIA was passed, clinical labs lacked uniform standards. Dirty labs were tolerated. Tests were misread. Diseases were misdiagnosed. The House bill will return to those pre-1988 days for physician laboratories, because it will exempt them from CLIA regulations for all tests except for PAP smears. This House-bill provision poses a serious threat to the health of Americans. We therefore urge our colleagues to join us in instructing Senate conferees to insist on it being dropped.

**Those opposing** the motion contended:

We have the same goal as our colleagues, but we differ on our assessment of the effect the House-bill provision will have. The House provision was added because CLIA has had an unintended side effect—it is making health care in small towns and rural areas prohibitively expensive. Very large medical operations are able to absorb the costs of the regulations because of the large volume of patients that they see, but small medical operations, particularly doctors' offices, cannot meet these stringent standards. As a result,

(See other side)

YEAS (49)			NAYS (50)			NOT VOTING (0)	
Republicans (7 or 13%)	Democrats (42 or 91%)		Republicans (46 or 87%)	Democrats (4 or 9%)		Republicans (0)	Democrats (0)
Chafee	Akaka	Inouye	Abraham	Helms	Baucus		
Cohen	Biden	Johnston	Ashcroft	Hutchison	Bryan		
Gregg	Bingaman	Kennedy	Bennett	Inhofe	Kerrey		
Jeffords	Boxer	Kerry	Bond	Kempthorne	Nunn		
Kassebaum	Bradley	Kohl	Brown	Kyl			
Snowe	Breaux	Lautenberg	Burns	Lott			
Specter	Bumpers	Leahy	Campbell	Lugar			
	Byrd	Levin	Coats	Mack			
	Conrad	Lieberman	Cochran	McCain			
	Daschle	Mikulski	Coverdell	McConnell			
	Dodd	Moseley-Braun	Craig	Murkowski			
	Dorgan	Moynihan	D'Amato	Nickles			
	Exon	Murray	DeWine	Pressler			
	Feingold	Pell	Dole	Roth			
	Feinstein	Pryor	Domenici	Santorum			
	Ford	Reid	Faircloth	Shelby			
	Glenn	Robb	Frist	Simpson			
	Graham	Rockefeller	Gorton	Smith			
	Harkin	Sarbanes	Gramm	Stevens			
	Heflin	Simon	Grams	Thomas			
	Hollings	Wellstone	Grassley	Thompson			
			Hatch	Thurmond			
			Hatfield	Warner			

#### EXPLANATION OF ABSENCE:

1—Official Business  
2—Necessarily Absent  
3—Illness  
4—Other

#### SYMBOLS:

AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

it is financially impossible in many communities for doctors to perform the most basic of medical tests, such as for strep. The House provision applies to doctors, allowing them to perform basic laboratory tests without having to meet the very rigorous regulatory requirements of CLIA. In a perfect world, it would be absolutely wonderful if state-of-the-art, massive medical facilities were available in every rural hamlet, but obviously they are not, and insisting on regulations that operate on the assumption that they are is downright dangerous. Rural and small town Americans should not be forced to travel in many cases hundreds of miles to receive what should be routine, simple medical tests. In practice, CLIA has made receiving needed medical care time consuming, expensive, and dangerous for millions of Americans. We strongly favor reforming CLIA, and therefore urge Senators to reject the Mikulski amendment.